

# THE PROBLEM OF MINORITIES

by

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## INTRODUCTION

**D**ESPITE the efforts of the Paris Peace Conference and the League of Nations, the minority problem in Europe still remains unsolved. Regions of mixed population such as Polish Upper Silesia, Eastern Galicia, Transylvania and Macedonia continue to be danger zones, and the alleged mistreatment of minorities in these and other areas is generally regarded as a hindrance to the stabilization of European peace and the development of international cooperation.<sup>1</sup> In particular, the relations between Germany and Poland have been embittered by the treatment of the German minority in Poland. The acts of general violence committed against German voters in the Polish elections of November 1930 provoked a storm of indignation in Germany. The communications of the German government and the German minority protesting to the League of Nations detailed more than two hundred cases of violence committed by Poles against the person or property of members of the German minority, in many instances with the apparent connivance of the local Polish authorities. In addition, wholesale infringement of the suffrage rights of Germans was reported.<sup>2</sup> In Central Europe and the Balkans the minority problem also offers an obstacle to political *rapprochement*.<sup>3</sup>

Underlying the minority question is the divergence between the powers which were victorious in the World War and those which were defeated. Led by Germany, the states which have lost territory and people have attempted to secure the enforcement of minority rights; while the states which have gained territory at the expense of the defeated powers—Czechoslovakia, Poland, and Rumania—have attempted, usually with

the moral support of France, to reduce the operation of the international safeguards of minority rights to a minimum.

## MINORITIES BEFORE THE WAR

Far from being of recent origin, religious, racial and national minorities have presented an acute problem in Europe for several centuries. The religious wars following the Reformation were evidence of a widespread effort to establish tolerance and an equitable treatment of religious minorities. In the Near East the Christians under Turkish yoke were early the object of international protection. Such protection was rendered more or less precarious, however, by the determined resistance of the Turks to foreign political intervention, and by the rivalry between Russia and the other great powers, who strove to promote their conflicting national ambitions in the Near East.

Moreover, the rise of nationalism in the nineteenth century brought to the fore the problem of national minorities.<sup>4</sup> Nationalism brought with it only too often an intolerance for other nations and a conviction of superiority which induced nations to think it their mission to impose their culture on other national elements. The dominant nationality within almost every state attempted to "nationalize" minorities in order to weld the state into a homogeneous unit, while the oppressed nationalities sought political self-determination as the only secure guarantee of their national existence. Moreover, each nation strove to include within its state those of their nationality who remained under foreign domination. Much of the history of the latter part of the nineteenth century is a chronicle of the bitter struggle between Russia and the multi-national Austria-Hungary.

1. Cf., however, p. 358.

2. Cf. League of Nations, *Official Journal*, February 1931, p. 371-432.

3. Cf. E. P. MacCallum, "Recent Balkan Alignments," *Foreign Policy Reports*, Vol. VII, No. 1, March 18, 1931, p. 18.

4. A national minority has been defined as a body of people, bound together by a consciousness of kind, which feels itself separate and different from the nationality which dominates the state. Cf. Rudolf Ramlow, *Das Minderheitenschutzverfahren des Völkerbundes*, Heft 2, Wissenschaftliche Beiträge zu aktuellen Fragen (Berlin, Verlag Dr. Ebering, 1931), p. 17.

While the latter was striving desperately to ward off the disintegration which threatened it from the presence within its borders of Germans, Czechs, Slovaks, Poles, Italians, Slovenes, Croats, Serbs, Hungarians, Rumanians and Ruthenians, Russia was hastening this very process of disintegration by stimulating the development of Balkan nationalism in order to promote its ambitions in the Near East.

#### ATTEMPTED SOLUTION OF THE PROBLEM IN THE PEACE TREATIES

The dangers to international peace arising from the oppression of minorities imposed upon the Peace Conference at the close of the World War the duty of providing a solution of the minority problem. In the creation of several new nation-states, the disruption of Austria-Hungary, and the surrender of many *irredentas* to their mother peoples, the peace settlement recognized the principle of self-determination for oppressed nationalities. This alone, however, did not suffice to eliminate national minorities. Not only was the principle of self-determination seriously violated to the injury of the defeated powers—as in the cession of some parts of Hungary to Rumania and Czechoslovakia—but, also, it proved impossible to draw boundaries so that national minorities would cease to exist. Everywhere there were zones of irretrievably mixed population and enclaves of nationalities which it was physically impossible to incorporate with their mother peoples. According to one estimate, the Peace Treaties themselves placed under alien rule minorities numbering no less than 16.8 million, which are distributed as follows among the various nationalities:<sup>5</sup>

German .....	7,594,000
Magyar .....	2,803,000
Bulgar .....	1,339,000
Jugoslav .....	480,000
Ruthenian (in Czechoslovakia) .....	432,000
“ (in Eastern Galicia) .....	3,700,000
“ (in Rumania) .....	300,000
Polish (in Czechoslovakia) .....	167,000

The total number of minorities in Europe at the present time is difficult to gauge, since it is practically impossible to obtain accurate

statistics.<sup>6</sup> Estimates by various authorities run from 30 to 60 million.<sup>7</sup> Numerically, the largest minorities are: German, 8 to 11 million; Ukranian, about 5 million; Jewish, 6 to 9 million; Hungarian, about 3 million; and Great Russian, about 2.5 million. The Albanians and the Bulgars form important minorities in the Balkans.

Although the actual number of minority peoples was greatly diminished by the peace settlement, a number of factors have made the problem of their treatment more urgent and important for the peace of Europe than ever before. Minorities newly created by the transfer of territories were in many cases put under the domination of nationalities whom they considered culturally their inferiors; frequently in these cases nationalities formerly oppressed became the masters of their oppressors. With the memory of their sufferings still fresh in their minds, they threatened unexampled vengeance on their erstwhile masters. The adoption of a centralized type of government by most of the new states also made the problem acute in many respects. This form of government, in emphasizing the necessity of an all-pervading uniformity within the state, failed to provide that measure of local self-government which might have enabled the diverse national elements within the state to satisfy their different needs and develop their individualities more freely.

To provide adequate protection for these minorities, it was first proposed to incorporate a provision for the protection of minorities in the League Covenant.<sup>8</sup> This plan was abandoned, however. Instead, in

5. This is due to divergence of opinion as to the meaning of the concepts "minority" and "nationality." Official statistics, therefore, can hardly be relied upon to state accurately the number of minorities. It is naturally to the interest of each state to make its national minorities appear as small as possible. Because of the lack of any objective characteristics defining minorities, governments have almost complete discretion in determining who belongs to a minority. For an exposition of the arbitrary methods employed in minority statistics, cf. W. Winkler, *Die Bedeutung der Statistik für den Schutz der Nationalen Minderheiten*, 2nd Edition, 1926.

6. Jan Auerhan, in *Die sprachlichen Minderheiten in Europa* (Berlin, Liebheit and Thiesen, 1926, p. 19), estimates the total number of minority peoples in Europe, whether protected by treaty or not, as 60 million. Dr. Hugo Wintgens, in *Der Völkerrechtliche Schutz der Nationalen, Sprachlichen, und Religiösen Minderheiten (Handbuch des Völkerrechts, Vol. II, Stuttgart, W. Kohlhammer, 1930)*, gives the figures of Morocutti, revealing a grand total of 34,044,000 (p. 196-197). A deduction from a series of figures used by Wintgens produces a total of about 35 million, which is apparently not far from correct. *Ibid.*, p. 125-197.

7. Cf. President Wilson's third draft of the League Covenant (Peace Hearings, U. S. Senate, 66th Congress, 1st Session, Senate Document No. 10, Washington, 1918, p. 254 et seq.).

8. N. E. Buxton and T. P. Conwell-Evans, *Oppressed Peoples and the League of Nations* (London, J. M. Dent & Sons, 1922), p. 81-82. These figures do not include Jewish minorities.

the Peace Treaties concluding the World War, Czechoslovakia, Poland, Yugoslavia, Rumania and Greece bound themselves, though under protest, to conclude with the chief Allied and Associated Powers special treaties for the protection of their religious and national minorities.<sup>9</sup> The great powers felt themselves justified in imposing this obligation because they had effected either

the creation or the territorial enlargement of these states and would bear the responsibility of guaranteeing their territorial integrity. Moreover, they recalled that in the nineteenth century, under similar circumstances, recognition had several times been made conditional on the acknowledgement of the obligation to treat minorities equitably.<sup>10</sup>

## EXISTING INTERNATIONAL OBLIGATIONS PROTECTING MINORITIES

An examination of the existing international instruments governing the protection of minorities reveals the following categories:<sup>11</sup>

1. The so-called special Minority Treaties, concluded between the chief Allied and Associated Powers (France, the United States, Great Britain, Italy, and Japan) and the following states: Poland (June 28, 1919); Czechoslovakia (September 10, 1919); Yugoslavia (September 10, 1919); Rumania (December 9, 1919); Greece (August 10, 1920).<sup>12</sup>

2. The Peace Treaties, laying down similar obligations for all the central powers except Germany.<sup>13</sup>

3. Binding declarations made before the League of Nations by Albania (October 2, 1921); Lithuania (May 12, 1922);<sup>14</sup> Latvia (July 5, 1923); Estonia (September 17, 1923).<sup>15</sup>

4. Certain bilateral treaties,<sup>16</sup> such as the German-Polish Convention concerning Upper Silesia, May 15, 1922, Part III of which contains detailed provisions for the treatment of minorities in German and Polish Silesia.<sup>17</sup>

## GENERAL MINORITY RIGHTS STIPULATED BY THE TREATIES

The provisions of the Polish Minority Treaty, which was the model for almost all

international obligations subsequently assumed by other states with respect to their minorities, merit examination in some detail. Poland undertakes to assure to all its inhabitants, whether citizens or not, full and complete protection of life and liberty without distinction of birth, nationality, language, race or religion, and the free exercise of any creed, religion or belief whose practices are not inconsistent with public order or public morals.<sup>18</sup> Poland assumes most of the obligations under the treaty, however, only toward its citizens. To prevent the denial of the rights of citizenship to members of minorities, therefore, the treaty defines the right to citizenship with some care. Thus Poland admits and declares to be Polish nationals *ipso facto* and without the requirement of any formality, German, Austrian, Hungarian or Russian nationals who, at the coming into force of the treaty, were habitually resident in territory which became part of Poland. These nationals have the right, however, to choose citizenship in another state.<sup>19</sup> Similarly, such nationals may

9. Cf. respectively Treaty of Versailles, Art. 86; Treaty of Saint-Germain, Art. 51; Treaty of Versailles, Art. 93; Treaty of Saint-Germain, Art. 57; Treaty of Trianon, Art. 47; Treaty of Neuilly, Art. 46.

10. See letter of Clemenceau to Paderewski of June 28, 1919, also speech of President Wilson at the Peace Conference, in A. W. V. Temperley, *A History of the Peace Conference* (London, H. Frowde, 1920-1924), Vol. V, p. 139 and 130 respectively.

11. For the texts of international engagements regarding minorities, cf. League of Nations, *Protection of Linguistic, Racial, and Religious Minorities, Provisions contained in various international instruments at present in force* (Geneva, August 1927), C.L.110.1927.I.Annex.

12. This last treaty was modified by the Protocol of Lausanne, July 24, 1923.

13. Austria (Saint-Germain, Arts. 62-69); Hungary (Trianon, Arts. 54-60); Bulgaria (Neuilly, Arts. 49-57); Turkey (Lausanne, Arts. 37-45).

14. The effects of the Lithuanian declaration are extended to the territory of Memel by Article 11 of the Convention of Memel, May 8, 1924. Under this Convention, concluded by Great Britain, France, Japan and Italy, on the one side, and Lithuania on the other, the Council of the League of Nations also guarantees the provisions constituting Memel an autonomous territory. (League of Nations, *Treaty Series*, Vol. XXIX, p. 87-115.)

15. Finland, while not making a minority declaration, agreed to let the Council of the League assume control over the observance of the obligations which it undertook in granting autonomy to its Swedish-speaking Aaland Islands.

16. An interesting attempt to solve the problem of minorities was made in a treaty between Greece and Bulgaria in 1919, and in a treaty between Turkey and Greece in 1923. The first provides for a reciprocal voluntary exchange of minorities, the latter for a compulsory exchange of minorities between Greece and Turkey with the exception of Greeks in Constantinople and Moslems in Western Thrace. It is recognized, however, that such a method is hardly to be relied upon to provide a general solution of the minority problem. Not only is its application difficult, but for the minorities it is attended by great hardship and privation, the dissolution of economic ties and general economic unsettlement. (Cf. MacCallum, "Recent Balkan Alignments," cited.) Moreover, the possibility of its application is limited to countries which contain as minority nationalities the dominant nationalities of each other.

17. Other treaties of lesser importance are: The treaty between Danzig and Poland, November 9, 1920, whereby Danzig agrees to apply provisions contained in the Polish Minority Treaty, and a treaty of October 24, 1921 regulating language and school questions.

Treaties complementing the Minority Treaties in some particulars, e. g., the Treaty between Czechoslovakia and Austria concluded at Brünn, June 7, 1920, complemented by the Treaty of Karlsbad, August 23, 1920, and the Treaty between Czechoslovakia and Poland, April 13, 1925. For these treaties, cf. Herbert Kraus, *Das Recht der Minderheiten—Materialien zur Einführung in das Verständnis des modernen Minoritätenproblems* (Berlin, Stilke, 1927).

18. Article 2.

19. Article 3. These persons must then move to the state in which they have chosen citizenship.



become Polish citizens if they were born in the transferred territory, of parents habitually resident there, though they may renounce this citizenship within two years.<sup>20</sup> Finally, Poland cannot deny citizenship to persons born in Polish territory who are not born citizens of another state.<sup>21</sup> All Polish citizens are assured equality before the law and equality of civil and political rights without distinction of race, language or religion. Differences of religion, creed or confession shall not prejudice any Polish citizens in the enjoyment of political or civil rights, as for instance in the eligibility for and admission to public employment, functions and honors, professions and other occupations.<sup>22</sup> All citizens who belong to racial, religious or linguistic minorities are to enjoy the same treatment and security, in law and in fact, as other Polish citizens.<sup>23</sup> In particular they shall have an equal right to establish, manage and control, at their own expense, charitable, religious, social and educational institutions, with the right to use their own language and to exercise their own religion freely in them.<sup>24</sup> Nor may the Polish government restrict the free use by any Polish citizen of any language in private intercourse, in commerce, in religion, in the press or publications of any kind, and at public meetings.<sup>25</sup>

#### POSITIVE PROVISIONS REQUIRED IN BEHALF OF MINORITIES

Aside from these negative restrictions, the treaty obliges Poland to make some positive provisions for the minorities. Thus, though an official language may be established, the Polish government must give "adequate facilities" to Polish nationals of non-Polish speech for the use of their language, either orally or in writing, before the courts.<sup>26</sup> Moreover, Poland is to provide "adequate facilities" in towns and districts where a "considerable proportion" of Polish citizens of other than Polish speech reside, to insure that in the primary schools instruction shall be given to the children of such Polish citizens through the medium of their own lan-

guage, though the teaching of the Polish language at the same time may be made obligatory. In these same towns and districts the government shall assure these minorities an equitable share in the enjoyment and application of the sums which may be provided out of public funds for educational, religious or charitable purposes.<sup>27</sup>

The Peace Treaties contain substantially the same provisions for all the central powers except Germany. The bilateral treaties in general do not go beyond the stipulations in the Minority Treaties. The German-Polish Convention on Upper Silesia, however, contains a much more detailed and precise definition of the rights of the minorities and the methods of execution, particularly of their rights to minority schools and classes. It establishes the liberal principle that each individual can freely declare his own nationality, and provides a different procedure for the handling of the complaints of the minorities.<sup>28</sup>

#### THE MINORITY DECLARATIONS

The Minority Declarations were made by certain states before the Council of the League in response to an Assembly resolution of December 15, 1920, accepting a proposal of Lord Robert Cecil that Albania and the Baltic and Caucasian states should take the measures necessary to enforce the principles of the minority treaties before their admission to the League.<sup>29</sup> These declarations, with the exception of those made by Estonia and Latvia, contain the same stipulations and have the same binding international force as the Minority Treaties. In the case of Latvia and Estonia the Council merely took cognizance of the provisions they had taken to safeguard the rights of

27. Article 9. The last two provisions, however, apply to Polish citizens of German speech only in that part of Poland which was German territory on August 1, 1914.

Special provisions are made by some of the international instruments for the protection of certain minorities. Thus the Educational Committees of the Jewish communities in Poland have the special privilege of allocating among Jewish schools the public funds allotted to them (Article 10). The Jewish Sabbath is protected against violation and the Polish government specially forbidden to hold elections on Saturday (Article 11). Rumania promises to extend local autonomy in religious and educational matters to the communities of Szecklers and Saxons in Transylvania (Article 11). Czechoslovakia was compelled to grant a large measure of political autonomy to the Ruthenians south of the Carpathians (Articles 10, 11, 12 and 13). In the Near East, Albania, Yugoslavia and Greece have special obligations with respect to their Moslem minorities, and in Turkey provision is made for non-Moslems.

28. Cf. p. 351.

29. League of Nations, *Records of the First Assembly, Plenary Meetings*, p. 568-9.

20. Article 3.  
21. Article 6.  
22. Article 7.  
23. Article 8.  
24. Article 8.  
25. Article 7, paragraph 3.  
26. Article 7, paragraph 4.

their minorities. The Council, however, has the right to take up the question of the status of minorities in these countries as soon as it does not conform to the general principles laid down in the Minority

Treaties. Moreover, the minorities in these countries also have the right of petition to the League. Their petitions receive the same consideration from the Council as those from other protected minorities.

## THE GUARANTEE BY STATE LAW

How are the rights stipulated for the minorities in international engagements enforced? The minorities are not parties to the treaties, but are merely designated as the beneficiaries of certain rights, the fulfilment of which they cannot in their own right demand. Accordingly, two guarantees of the enforcement of their rights are furnished. First, the states are obliged to recognize the general rights of the minorities as fundamental law and take measures to carry into effect the provisions of the treaties. Second, the execution of the obligations of the minority states<sup>30</sup> is placed under the guarantee of the League of Nations. The nature and effectiveness of each guarantee will be examined in turn.

### RECOGNITION OF TREATY RIGHTS AS FUNDAMENTAL LAW

Article I of all the Minority Treaties contains the following provision:

"[Name of state] undertakes that the stipulations contained in Articles 2-8 of this chapter shall be recognized as fundamental laws, and that no law, regulation, or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them."<sup>31</sup>

There is some dispute as to the meaning and extent of the obligation contained in this stipulation. Some contend that it does not impose on the states the positive obligation to enact the rights of minorities into constitutional law but has merely the value of re-asserting the accepted rule of international law that a state may not take measures contrary to its treaty obligations.<sup>32</sup> Others as-

sert that to have any real effect this obligation must mean that those states which have written constitutions must embody the rights of minorities in the constitution, since the latter forms the only legal limitation upon the state in its relation with its own citizens.<sup>33</sup> The only purpose of the obligation, according to this theory, is to enable members of the minorities to seek redress by appealing to the state courts in case any law, regulation or official act should impair their rights as embodied in the constitution. Under this procedure of extending to the minorities the protection of the constitution or fundamental laws, it might be expected that many grievances would be settled by the courts, so that frequent appeal to the League of Nations would be avoided. Whatever the nature of the obligation, however, it is evident that most states have not fully incorporated the provisions of the treaties into constitutional law.<sup>34</sup>

### OBLIGATIONS TO ENACT EXECUTORY MEASURES

Since the Minority Treaties stipulate only general minority principles, they imply the obligation on the part of governments to provide for their execution by more detailed state laws and administrative ordinances. The states could do much in this way to satisfy the minorities and reconcile them with their position. However, the constant complaints that the executory measures taken by the states are insufficient seems to indicate the failure of several of these

33. Cf. Arthur von Balogh, *Der internationale Schutz der Minderheiten* (Munich, Dressler, 1928), p. 201-202.

34. *Ibid.*, p. 202-203. Only Austria has recognized the rights of minorities in its constitution. Czechoslovakia has done so to a large extent, though parts of provisions are lacking or fail to correspond to the stipulations of the treaty. The Polish Constitution contains merely a general declaration regarding the right of each individual to preserve his nationality and cultivate his language, and includes Article 8 of the Minority Treaty with the important exception of the provision calling for the "same treatment and security in law and in fact" for all Polish citizens. The Constitution of Yugoslavia merely declares that all citizens belonging to racial and linguistic minorities will receive elementary educational instruction in the minority language under conditions to be determined by special laws. The Rumanian Constitution does not contain a single provision regarding minorities.

30. The term "minority state" is employed in this report to designate a state which has assumed international obligations with respect to its minorities.

31. It will be recalled that Articles 2-8 stipulate all the general rights of the minorities, yet not their rights to minority schools and an equitable share of the public funds appropriated for educational, religious or charitable purposes, nor the special provisions made for certain minorities, such as the Jews and the Moslems. For the states whose obligations with respect to minorities are laid down in the Peace Treaties the duty to recognize these provisions as fundamental laws extends to all their obligations.

32. Cf. among others, Jacques Fouques Duparc, *Les Minorités de race, de langue et de religion* (Paris, Dalloz, 1922), p. 306.

states to enact adequate measures to carry the treaties into force.<sup>35</sup> Moreover, the minorities maintain that the lack of an impartial judiciary free from executive interference makes it in many cases impossible to secure the enforcement of their legal rights.<sup>36</sup>

#### DEMAND FOR CULTURAL AUTONOMY

Most of the minorities<sup>37</sup> and many writers on the minority problem<sup>38</sup> urge minority states to place a liberal interpretation on their international obligations by granting to minorities some measure of autonomy.<sup>39</sup>

#### Estonian Enactments

One state—Estonia—has of its own free will conferred on its minorities a large measure of cultural autonomy, by law of February 5, 1925.<sup>40</sup> By this law every minority of not less than 3,000 is given legal recognition as such. Each citizen may enroll as a member of a minority by entering his name on the national register of that minority, and has the right to withdraw his name on six months' notice. Such registration on the part of at least half of the adult citizens counted as members of a minority in the last official census is a prerequisite to the actual grant of autonomy. An organized minority has full corporate legal capacity and can promulgate for its members binding ordinances within the field of activity in which it has

powers of self-administration. By basing autonomy on a personal rather than a geographical basis, therefore, the law reaches each member of every minority. Each of these organized minorities has the power to organize, administer and control the public and private schools conducted in the language of that minority, and to care for its other cultural needs and the institutions created for this purpose. Thus it may establish and manage schools, churches, museums, gymnastic societies and social organizations. These powers are exercised by a Council elected for three years by the members of each minority group. Financial support for cultural autonomy is drawn from the following sources:

- (1) Equitable shares of the funds appropriated by state and local governments for public elementary and secondary schools; (2) state funds for other cultural purposes; (3) special taxes levied by the Council of the minority on its members with the consent of the state government; (4) private gifts and donations.

If less than half of the registered members take part in the elections for the Council, however, or if two-thirds of the Council fail to express themselves in favor of cultural autonomy before taking up their work, the grant of autonomy is withdrawn. This law has gone far in providing a solution for the problem. The Jewish and German minorities have availed themselves of it; and the Russian minority has just taken the initial steps to constitute itself culturally autonomous. Only the Swedish minority, which is satisfied by the influential control that it exercises over local government by virtue of its compact settlement in certain districts, has not sought autonomy.<sup>41</sup>

#### The Situation in Latvia

Minorities in Latvia also have been granted a measure of autonomy, which extends, however, only over schools. Here the schools and other cultural institutions of each minority are administered by a special division within the Ministry for Education. The head and higher officials of each of these divisions are selected from candidates pro-

35. Von Balogh, *Der internationale Schutz der Minderheiten*, cited, p. 198. Some states, however—for example, Czechoslovakia—have enacted considerable legislation to carry the Minority Treaties into effect.

36. Cf. H. Raschofer, *Hauptprobleme des Nationalitätenrechtes* (Stuttgart, F. Enke, 1931), p. 128-130. They demand an independent judiciary, and above all a system of administrative laws and courts to assure the legality of the conduct of the administration—a branch of government which more than any other affects the lives of citizens—and to insure the judicial prosecution of officials who are guilty of an impairment of their rights.

37. Only the relatively insignificant Danish and Polish minorities in Germany seem indifferent to this demand for autonomy. The European Congress of Nationalities, consisting of delegates of all the minorities in Europe and meeting annually at Geneva since 1925, emphatically endorsed the movement for cultural autonomy in 1925 and 1926. Cf. *Sitzungsbericht des Nationalitätenkongresses von 1926*, p. 158-159.

38. Among others, Raschofer, Trampler, Wolzendorff, von Balogh and Jungmann.

39. It is realized, of course, that autonomy cannot be demanded in fulfillment of the specific stipulations of the international engagements regarding minorities. Only in a few cases do the Minority Treaties provide for autonomy. Czechoslovakia engaged to organize the territory of the Ruthenians south of the Carpathians into an autonomous unit, with a Ruthenian Diet with legislative competence in matters of language, education and local administrations, as well as in any other matter which the Czechoslovak government might include within its jurisdiction. The communities of Saxons and Szecklers in Transylvania were to receive autonomy from Rumania in religious and school questions, and Greece was to give the Wallachians of the Pindus autonomy in religious, charitable and school matters.

40. For the text of this law cf. League of Nations, *Official Journal*, June 1925, p. 788-91. It was enacted in pursuance of paragraph 21 of the Estonian Constitution of 1920, which promised the minorities autonomous institutions for the preservation of their national cultural and charitable interests.

41. Cf. Eugen Maddison, *Die nationalen Minderheiten Estlands und ihre Rechte* (2nd revised edition, Reval, 1930); also Dr. Ewald Ammende, editor, *Die Nationalitäten in den Staaten Europas* (Vienna-Leipzig, Wilhelm Braumüller-Universitätsverlagsbuchhandlung, 1931), p. xxiii, 6-11, 19, 20-26, 588. This book is a compilation of reports on the situation of 41 minorities in 14 European states, and is issued by the European Congress of Nationalities.



posed by each of the minorities. This system has also apparently given considerable satisfaction.<sup>41a</sup>

The efforts of the minorities and their friends have been largely concentrated on presenting a convincing plea for the extension of such cultural autonomy to all the minorities. They contend that the state would do well to divorce itself from the nation, at least to the extent that it has divorced itself from the church. It should recognize that there exists a community of nationality, with spiritual and cultural interests, separate from the community of state. Such states as Poland, Czechoslovakia, Yugoslavia and Rumania contain no less than six nationalities. It is reasoned that if these are to live together in harmony, the state should dissociate itself completely from the efforts of any one nationality to promote its cultural interests at the expense of another, and maintain, like Switzerland, a complete neutrality toward its various constituent national elements.<sup>42</sup> The state, it is argued, should serve only the common needs of all its national elements. Such a course might promote harmony and unity in the following respects:

1. It would cause the minorities to abandon their negatively critical attitude toward all actions of the state by making them responsible for the cultivation of their own nationality.
2. It would greatly diminish the number of appeals from minorities for international protection—appeals which often have the character of an international sensation, naturally unpleasant to the minority states and productive of increased antagonism between the minority and the dominant nationality.
3. It would tend to effect the disappearance of the minorities as "parties" in the elections and parliament by removing the peculiar interests of the minority nationalities from the competence of the state.

The states appear very reluctant, however, to endow their minorities with the large measure of freedom which the autonomy movement requests. They have always carefully avoided the recognition of minorities as collective units—i.e., their endowment

with juridical status in state law—for they fear that this would create bodies permanently alien to the state. Furthermore, clinging to the concept of the nation-state, they are not inclined to surrender their most powerful instrument for assimilating the minorities—the right of education. Fear is expressed, moreover, that the formation of national minorities might become a sport—that every dissatisfied element within the state might claim to be a minority. Friends of the minority movement point out, however, that no temporarily discontented element could afford to assume the rather heavy and permanent responsibilities entailed by the exercise of autonomy, and that, in order to prevent small discontented groups from seeking autonomy, the desire of a certain minimum number of individuals could be made a prerequisite for its attainment.

#### OTHER DOMESTIC SOLUTIONS

As an alternative or addition to cultural autonomy, other suggestions for an internal domestic solution of the problem have been advanced. One of these proposes a radical modification of the rigid centralization prevailing in most states today in the direction of geographical decentralization on the Swiss model, so that those minorities which are settled in compact groups would be able to exercise greater powers of self-government, particularly in educational and social matters. Such decentralization would also give the minorities a greater control over local administration and might thus satisfy a natural desire to have functionaries of their own nationality who speak their own language. Another proposal is to grant each minority a certain number of seats in the national parliament, the holders of which would form a group having within its legislative competence all matters coming before the parliament which really belong to the competence of each nationality.<sup>43</sup> It is interesting to note that Greece, in 1928 and 1929, conceded its Turkish and Jewish minorities national representations, or *curiae*, in its Parliament and Senate. The possibility of an extensive adoption of these reforms seems remote, however.

<sup>41a</sup>. Cf. *Die Nationalitäten in den Staaten Europas*, cited, p. 34-37. The Russian minority, however, is not very well satisfied with it.

<sup>42</sup>. Naturally the state would retain the right to insist that autonomous organizations of the minorities fulfil certain requirements and maintain certain standards in the discharge of their educational work.

<sup>43</sup>. Cf. Raschofer, *Hauptprobleme des Nationalitätenrechtes*, cited, p. 133-134.

## THE INTERNATIONAL GUARANTEE BY THE LEAGUE OF NATIONS<sup>44</sup>

So long as the minorities do not receive satisfactory treatment at the hands of the states, they are likely to attach great importance to their right to air their complaints and seek international aid in Geneva.

Article 12 of the Polish Minority Treaty and corresponding articles of the other treaties place the provisions of these treaties under the guarantee of the League of Nations:

"[Name of state] agrees that the stipulations in the foregoing articles, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. . . ."

The article also provides that any Council member may bring to the attention of the Council "any infraction or threatened infraction" of the obligations. Thereupon, the Council is to take such action as it deems "proper and effective." Moreover, in case of a difference of opinion between a minority state and a member of the Council "as to questions of law and fact arising out of these articles," the minority state agrees that it shall be referred to the Permanent Court of International Justice.<sup>45</sup> This guarantee, once assumed by the League of Nations, signifies that the provisions for the protection of minorities are inviolable and that the League must ascertain that they are always observed.<sup>46</sup>

### RIGHTS AND DUTIES UNDER THE LEAGUE GUARANTEE

What are the rights and duties of the various interested parties in the execution of this guarantee by the League? It must be recalled that the minorities themselves do not have the right to set in motion the international machinery for the protection

of their own rights. Nor do they have any right to be heard when the League Council discusses a complaint regarding infraction of the provisions of the Minority Treaties. The only right they might be said to have is that of petition—the right to furnish the League with complaints and information that the states have not discharged their duties toward them. The minority states, however, have the right to be heard when the Council considers complaints that they have violated or have not fulfilled their obligations. The consideration of such concrete complaints is solely within the competence of the Council, though the Assembly has always maintained and exercised its right to treat questions of principle touching the protection of minorities. The real enforcement of the League's guarantee of the obligations of the minority states rests with Council members. Only they, either individually or collectively, have the right and duty to direct the Council's attention to infractions or threatened infractions of the minority provisions, and the power to bring before the Permanent Court of International Justice any difference of opinion with a minority state as to questions of law or fact arising out of the provisions of the Minority Treaties.<sup>47</sup>

### ORIGINAL PROCEDURE SET BY THE LEAGUE COUNCIL

The Council may freely establish its own rules of procedure in the execution of its guarantee. It needs the consent of the minority states only when its rules involve the imposition of new obligations on these states or affect the legal situation as sanctioned by the Minority Treaties and Declarations.<sup>48</sup>

According to the procedure originally laid down by the Tittoni Report of October 22, 1920,<sup>49</sup> any member or organization of a

44. All official documents relating to the procedure adopted by the League in executing its guarantee are found in the League document, *Protection of Linguistic, Racial or Religious Minorities by the League of Nations—Extracts from the Minutes of the Council, Resolutions and Reports adopted by the Assembly, relative to the procedure to be followed in questions concerning the Protection of Minorities* (second edition, March 1931), C.S.M.5.1931.I. (Hereinafter cited as *Protection of . . . Minorities—Resolutions and Extracts*.) An excellent exposition and criticism of this procedure may be found in Ramlow, *Das Minderheitenschutzverfahren des Völkerbundes*, cited.

45. The Minority Declarations of Estonia and Latvia omit the provision in the third paragraph regarding the obligatory jurisdiction of the Permanent Court of International Justice in certain cases.

46. Cf. the Tittoni Report, adopted by the Council October 22, 1920, *Protection of Linguistic, Racial or Religious Minorities by the League of Nations—Resolutions and Extracts . . .*, cited, p. 7.

47. In certain cases, however, other members of the League can call the Council's attention to a minority question by invoking paragraph 2 of Article 11 of the League Covenant, on the plea that the question "threatens to disturb international peace or the good understanding between nations upon which peace depends." In 1928 the Council refused to allow Albania to avail itself of this Article to place before the Council questions relating to the property of the Albanian minority in Greece. At the same time it adopted a report declaring that "Article 11 should only be invoked in grave cases which produce a feeling that facts exist which might effectively menace the maintenance of peace between the nations." (League of Nations, *Official Journal*, July 1928, p. 942.)

48. Cf. Report of a Committee of Jurists, adopted March 6, 1929, *Protection of Linguistic, Racial or Religious Minorities by the League of Nations—Resolutions and Extracts . . .*, cited, p. 217.

49. *Ibid.*, p. 7-8.



minority—in fact any organization or individual and any state—may inform or petition the League concerning any infraction or threatened infraction of the rights of the minorities. The Secretary-General would then send these communications, without comment, to the members of the Council for their “information,” and also to the other members of the League, including the state whose action was the subject of complaint. This state might then submit its comments on the petition. Each member of the Council would thereupon decide whether to demand the consideration and intervention of the Council. Moreover, to insure some consideration of every petition and to facilitate for Council members the discharge of their obligations, the Council decided only three days after the adoption of the Tittoni Report that each petition brought to the knowledge of members of the Council should be considered by a specially constituted Committee of Three, including the president of the Council and two members designated by him.<sup>50</sup>

It was soon generally realized that the effectiveness with which the League could execute its guarantee of existing international obligations with respect to minorities would depend in large measure on the procedure the Council adopted in the consideration of complaints. Accordingly, the minority states, headed by Poland and Czechoslovakia and supported more or less openly by their ally, France, vigorously resisted any attempts to improve the procedure in the interest of the minorities and endeavored repeatedly to render more difficult an effective appeal to the League. Such a course met with the keenest opposition from states interested in an effective protection of minorities, particularly the states defeated in the war, who sought to increase the effectiveness of the League's guarantee.

#### MODIFICATIONS OF PROCEDURE, 1921-1925

The efforts of Poland and Czechoslovakia generally succeeded until Germany entered the League in 1926. Yielding to the demand of Poland and Czechoslovakia that they be allowed to reply to petitions before they

were sent to the members of the League, the Council revised its procedure by a resolution of June 27, 1921.<sup>51</sup> This resolution, which is still in force, requires the Secretary-General to send every petition, unless it emanates from a member of the League, first to the minority state concerned. The latter then has a period of three weeks in which to indicate whether it will submit observations on the contents of the petition. If it signifies a desire to comment on a petition, it has two months from the receipt of the petition in which to do so. Only after the interested state has made or declined to make its comments, are petitions to be communicated to members of the League.<sup>52</sup> It was again at the behest of the same two states that the Council further revised its procedure by a resolution of September 5, 1923.<sup>53</sup> Since, in the opinion of the minority states, the communication of petitions to all members of the League conferred on all petitions, however trivial, an objectionable publicity, the resolution stipulated that such communication was henceforth to be restricted to Council members.<sup>54</sup> In addition, the resolution acceded to the desire of the minority states by permitting the president, when circumstances seem to make it necessary and the interested state desires it, to extend the period of two months which the interested state is allowed for the presentation of its observations on petitions. Most important, however, are the conditions which the resolution requires that petitions fulfil in order to be communicated to the interested state and members of Council for consideration on their merits. The Secretary-General is directed to reject all petitions that:

- (1) emanate from anonymous or unauthenticated sources; (2) are couched in violent language; (3) do not have in view the protection of minorities in accordance with the treaties; (4) are submitted in the form of a request for the severance of political relations between a min-

51. *Ibid.*, p. 8-9.

52. In a letter to the Secretary-General of June 3, 1921, Poland also proposed to give the Secretary-General authority to reject petitions “signed by persons whose authority is open to question,” and to dispense with the communication of the petition to the Council members if he deemed the observations of the state concerned to have refuted the charges contained in the petition. (*Ibid.*, p. 18-19.) These proposals were given no consideration.

53. *Ibid.*, p. 9-10.

54. The Assembly, however, in a resolution of September 26, 1923, maintained the right of all members of the League to have petitions, with eventual observations, communicated to them on request. (*Ibid.*, p. 243.)

50. Resolution adopted by the Council on October 25, 1920. (*Ibid.*, p. 8.)

ority and a state; or (5) contain information or refer to facts which have recently been the subject of another petition submitted to the ordinary procedure.<sup>55</sup>

If the interested state questions the decision of the Secretary-General regarding the acceptability of a petition, it may appeal to the decision of the president of the Council and the two members designated by him, and even thereafter to the decision of the whole Council. One of the chief criticisms of these modifications is that they afford numerous opportunities for delay prior to the actual consideration of the petitions. Even when the minority state avails itself of none of these opportunities, it normally takes a quarter of a year or more before a minority committee is appointed to consider the petition on its merits.

Apparently with a view to Germany's impending entrance into the League and the Council, the Council finally adopted a resolution on June 10, 1925 limiting the discretion of the president of the Council in selecting the minority committees or committees of three.<sup>56</sup> The resolution provides that the representative of the state to which the persons belonging to the minority in question are subject, and the representative of a neighboring state or of a state a majority of whose population belongs, from the ethnical point of view, to the same people as the minority in question, may not sit on such committees. If the president of the Council is disqualified by these rules, the Council member sits who was president before him if he is not similarly disqualified.

#### THE 1929 REFORM OF PROCEDURE

With Germany's entrance into the League and the Council in 1926, the minorities acquired a vigorous champion. Germany was insistent in demanding an effective discharge of the League's obligation as guarantor. Dissatisfaction with the Council's procedure in minority questions was increasingly manifested, criticism of the procedure centering chiefly on the following points:

55. Of the 350 petitions (exclusive of those from Upper Silesia) addressed to the League since 1921, about one-half have been declared unacceptable. (League of Nations, *Ten Years of World Cooperation*, Geneva, Secretariat of the League of Nations, 1930, p. 374.) The high mortality rate of petitions before they have even been considered on their merits has given rise to criticism, particularly of the requirements as to form.

56. *Protection of Linguistic, Racial or Religious Minorities by the League of Nations—Resolutions and Extracts . . .*, cited, p. 10.

1. The failure to give the minorities or petitioners any share in the procedure, to inform them at all of the fate of their petitions, or to consult them at any time during the consideration and settlement of the complaints;

2. The lack of publicity of the League's work in minority matters, including particularly the practice of the minority committees of veiling their activity in complete secrecy and reporting on the results of their investigations to the Council only very infrequently, aside from the relatively rare cases which they recommended to the consideration of the Council;

3. The composition and size of the minority committees—particularly the rules of eligibility, which disqualified the states most interested in an effective protection of the minorities.

During the Council session on December 15, 1928, Herr Stresemann, the German Foreign Minister, at the conclusion of a heated exchange with M. Zaleski, the Polish delegate, on the right of the minorities to petition the League, expressed his intention to raise the whole question of procedure at the next session of the Council.<sup>57</sup> A similar intention had been expressed earlier by the Canadian delegate, M. Dandurand.<sup>58</sup> Each submitted a series of proposals for reform to the Council at its session in March 1929.<sup>59</sup> These proposals, together with others invited by the Council at the same time, were subjected to careful scrutiny by a Council Committee, but the adoption of most of them was defeated by the opposition of the minority states, who invoked existing international engagements. M. Briand more or less gave the support of France to the position of the minority states in this question. Though emphasizing the sacredness of the cause of the minorities, he expressed the opinion that it would not be in the interest of the minorities for the Council to do anything without the assent of the states concerned. The present procedure, he felt, had been adequate to give every accepted petition a careful examination.<sup>60</sup> Again, while the Council was sitting in committee to discuss the proposals for reform, M. Briand declared that it should avoid setting up an organization whose object was to penetrate the internal life of the states. He pointed out that a stricter definition of the powers and duties of the League in minority ques-

57. *Ibid.*, p. 82.

58. *Ibid.*

59. Minutes of the 54th session of the Council, March 6, 1929, *ibid.*, p. 83-92.

60. Minutes of the Council, March 7, 1929, *ibid.*, p. 11.

tions might provoke dangerous reactions and encourage continuous agitation among minorities.<sup>61</sup> Above all, he urged that the committee of three should not become a kind of examining magistrate.<sup>62</sup>

Nevertheless the efforts of Germany and Canada bore fruit. The resolution adopted by the Council at its session in Madrid on June 13, 1929 made the following notable changes in the procedure:<sup>63</sup>

1. Petitioners are henceforth to be informed when their petition is judged unacceptable.
2. When a Minority Committee concludes the examination of a question without asking for its inscription on the agenda of the Council, it must communicate the result of its examination by letter to the members of the Council for their information.
3. Minority committees are to consider the possibility of making public, with the consent of the interested state, the results of their examination of petitions submitted to them.
4. In order that the public may have some record of the work of the League in the acquittal of its task, the Secretary-General must publish in the *Official Journal* once a year statistics showing (a) the number of petitions received by the Secretariat in the course of the year, (b) the number of petitions declared unacceptable, (c) the number of petitions declared acceptable and submitted to the examination of a Minority Committee, (d) the number of committees and the number of committee meetings held to examine petitions, and (e) the number of petitions the examination of which was concluded in the course of the year.
5. The president of the Council is, in special cases, authorized to increase the membership of a Minority Committee to five.

#### PROCEDURE AT PRESENT IN FORCE

At present, therefore, when a petition reaches the Secretariat of the League, it is first examined by the Secretary-General to determine its conformity with the conditions of acceptability. If accepted, it is then communicated to the interested state, and the latter must indicate within three weeks whether it will comment on the petition. If it desires to submit comments, the interested state has a period of two months (which may be extended when necessary by the president of the Council) within which to do so. The petition, together with any eventual observations by the interested state, is then communicated to the members of the Council. For the examination of each peti-

tion the president appoints a Committee of Three—in special cases a Committee of Five. In practice, these committees resort chiefly to conciliation to secure a direct settlement of the grievances of the minorities. Though the fact that they conduct their work in secrecy has been subject to criticism, this procedure is recognized as having certain advantages. It enables a state to make concessions without fearing a diminution of its dignity and authority before its people and without being called to account for it by its legislature.

The desire not to offend minority states has made the committees extremely reluctant to employ their acknowledged power to draw information from every available source.<sup>64</sup> Consequently, the minorities or petitioners are not heard during any phase of the procedure, nor do the committees undertake investigations on the spot. Chief reliance for information is placed on the petitions, together with possible observations by the states concerned, and on the special Minority Section of the Secretariat.<sup>65</sup> At the conclusion of its investigation the Minority Committee either writes to the members of the Council, summarizing the result attained in its consideration of the petition, or, if it deems the intervention or consideration of the case by the Council necessary, drafts a report and has the question placed on the agenda of the Council. Each member of the Council reserves the right, however, to call to the attention of the Council any violation of the international obligations regarding minorities.

#### SPECIAL PROVISIONS REGARDING UPPER SILESIAN PETITIONS

Before turning to an examination of the effectiveness of the League's guarantee, it would be well to examine the procedure which the German-Polish Convention of 1922 established for Upper Silesia. In each section of Upper Silesia a Minorities Office

64. This right was especially affirmed at the instance of the Canadian delegate, M. Dandurand, during the 1929 discussions regarding a reform of the procedure. Minutes of the Session of the Council on June 8, 1929, *Protection of Linguistic, Racial or Religious Minorities by the League of Nations, Resolutions and Extracts* . . . , cited, p. 126, 129, 130.

65. The Minority Section of the Secretariat draws its information from the following sources: some twenty newspapers; statistical data; laws promulgated by the minority states; discussions of international associations; visits to the minority states by its officials—undertaken, however, only on the invitation of the state; visits from unofficial and official representatives of governments, petitioners, members of minorities or persons interested in their protection.

61. *Ibid.*, p. 122-123, session of June 7, 1929.

62. *Ibid.*, p. 130, session of June 8, 1929.

63. *Ibid.*, p. 11-12.



is established by the government concerned. All petitions from the members of a minority regarding the application and interpretation of the provisions of the Convention by subordinate administrative officials may be submitted first to the Minorities Office, but not until the complaint has been brought before the highest competent administrative authority. If the Minorities Office does not give satisfaction, the petition goes to the Mixed Commission for Upper Silesia, consisting of two Poles, two Germans, and a neutral president<sup>66</sup> named by the League Council. The president, after hearing both sides of the controversy and consulting his fellow commissioners, communicates to the Minorities Office his opinion of the way in which the complaint should be settled. This opinion, however, has no binding force. If the petitioners are still dissatisfied with the action taken by the administrative authorities, they may appeal to the League Council. Although the procedure was devised largely with the hope that it would encourage direct settlement of complaints between the minority and the government authorities and thus diminish appeals to the League for intervention, the Council has had to consider numerous petitions from Polish Upper Silesia at practically every session. The Council is competent to consider these appeals, as well as petitions addressed it directly from Polish Upper Silesia, without being obliged to wait for a Council member to call its attention to the matter.

#### EFFECTIVENESS OF EXECUTION OF THE LEAGUE GUARANTEE

It is difficult to make an accurate appraisal of the effectiveness with which the League has executed its guarantee of the rights of minorities. According to one tabulation, covering the period from 1920 to January 1931, 525 petitions—bearing, however, on only 328 definite cases of complaint—have been addressed to the League.<sup>67</sup> The League Secretariat estimates that up to 1930 it received about 350 petitions (exclusive of those from Upper Silesia); of these only half were declared acceptable. Those placed on the agenda of Council and settled number only fifteen, according to the official count.<sup>68</sup> During the year June 1, 1930 to May 31,

1931, the Secretariat received no less than 204 petitions<sup>69</sup>—which seems to indicate the seriousness of the minority problem.

All but a relatively few of the petitions are considered only by the minority committees. The work of these committees is difficult, if not impossible, to evaluate correctly, because of the lack of any record of results. Sir Austen Chamberlain has asserted that the cases in which effective satisfaction had been given by the government before the petition was considered by a committee, and the cases in which satisfaction resulted from the work of the committees cover almost all cases of serious complaint.<sup>70</sup> Critics assert, however, that the committees have been prompted, by considerations of political expediency, in most cases either

67. Herbert von Truhart, *Völkerbund und Minderheitenpetitionen* (Vienna, W. Braumüller, 1931), p. 8. These petitions have invoked protection for the rights of nineteen peoples living in fourteen states. Their distribution was as follows:

#### DISTRIBUTION OF MINORITY COMPLAINTS

I. According to states		II. According to nationalities	
Albania .....	24	Albanian .....	36
Bulgaria .....	3	Armenian .....	12
Estonia .....	2	Bulgar .....	65
Greece .....	66	German .....	104
Jugoslavia .....	53	Greek .....	30
Latvia .....	6	Jewish .....	33
Lithuania .....	34	Carpathian Ruthenian .....	22
Austria .....	12	Lithuanian .....	19
Poland .....	165	Polish .....	30
Rumania .....	63	Rumanian .....	1
Czechoslovakia .....	60	Russian .....	14
Turkey .....	29	Serbian .....	3
Hungary .....	15	Slovak .....	6
Germany .....	1	Slovenian .....	1
Miscellaneous .....	2	Czech .....	1
		Turkish .....	2
		Ukranian .....	63
		Hungarian .....	49
		White Russian .....	6
III. According to years			
1920 .....	13	1926 .....	28
1921 .....	60	1927 .....	34
1922 .....	68	1928 .....	43
1923 .....	37	1929 .....	50
1924 .....	40	1930 .....	88
1925 .....	58	1931, (Jan.) .....	6

68. League of Nations, *Ten Years of World Cooperation*, cited, p. 374. The *Official Journal* of July 1930 (p. 827) contains the following statistics for the period from June 13, 1929 to May 31, 1930, the first published in accordance with the Council resolution of June 1929:

Number of petitions received by the Secretariat during the year .....	57
Number of petitions declared non-receivable (two of these were declared non-receivable after the decision of the Secretary-General had been contested) .....	26
Number of petitions declared receivable (including nine supplementary petitions) .....	31
Number of committees and number of meetings held by them to consider these petitions	
Committees .....	14
Meetings .....	19
(Furthermore, fourteen committees formerly set up held fifty meetings to continue the examination of petitions declared receivable during the previous year)	
Number of petitions whose examination by a Minority Committee has been finished in the course of the year .....	29
(Twenty of these petitions were received during a previous year.)	

69. League of Nations, *Official Journal*, August 1931, p. 1605. Of these petitions, 73 were declared receivable, and 131 non-receivable—115 because they contained information or referred to facts which had recently been the subject of other petitions submitted to the normal procedure. (Cf. p. 350). The number of committees and the number of meetings held by them to consider the 73 receivable petitions were 45 and 111 respectively.

70. Session of the Council on March 6, 1929, *Protection of Linguistic, Racial or Religious Minorities by the League of Nations, Resolutions and Extracts . . .*, cited, p. 94-97.

66. At present a Swiss, M. Calonder.

to refrain from action or to arrive at a compromise with the minority state. They accuse the committees of being over-solicitous for minority states, and placing too much reliance on their good will by hearing only their side of the case without seeking to verify their statements or secure adequate knowledge of whether the minorities involved are satisfied. M. Dandurand, who has frequently been a member of committees of three, has deplored the inadequacy of the information at the disposal of these committees.<sup>71</sup>

The Council has frequently exposed itself to the charge that it departs from the strict requirements of justice in disposing of the minority cases which come to its attention.<sup>72</sup> Thus, in the case of the complaint of 3,600 German settlers in Poland that they were being deprived of their lands by the Polish government—which declared that, as property of the Prussian state, this land had succeeded to Poland—the Permanent Court of International Justice on September 10, 1923 furnished an advisory opinion confirming the illegality of Poland's action.<sup>73</sup> In the final settlement, however, the return of the expropriated property was not demanded, and the settlers received compensation said to amount to about one-third of the value of their property.<sup>74</sup> Regarding the complaint of Magyar farmers in Transylvania, a Committee of Three expressed the belief that the Rumanian Agrarian Reform Law violated the Minority Treaty, yet the committee did not insist on the return of the expropriated property but accepted, instead, Rumania's voluntary offer to pay compensation,<sup>75</sup> which did not cover the loss.<sup>76</sup> Petitions of various Jewish organizations in 1920, 1921, 1924 and 1925, protesting against a Hungarian

law limiting the number of Jewish students in Hungarian universities, seemed to indicate a violation of the rights of the minority. The Council, however, avoided a pronouncement on this question and in 1925 decided merely to await a change in the law.<sup>77</sup> When the Ruthenians complained in September 1921 that Czechoslovakia had not carried out its obligation to grant them autonomy, the Council took cognizance only of the expressed conviction of a Committee of Three that Czechoslovakia would do so in the near future.<sup>78</sup> It has refused to consider at least fourteen subsequent petitions, including four in 1929 and one in 1930 (June 4) on the same subject,<sup>79</sup> despite evidence that Czechoslovakia has done little or nothing to discharge its obligation.<sup>80</sup>

On the other hand, it can hardly be denied that action by the Council has prevented some flagrant violations of the rights of minorities. The Council is not a judicial but a political organ, and must resort therefore to conciliation and compromise. Even in cases in which the Council took no action, it is likely that the possibility of such action often induced states to take measures to improve the position of their minorities. Moreover, since Germany became a permanent member of the Council, the Council has been under constant pressure to intervene more actively in behalf of minorities. It was largely due to the vigorous demands of Germany that the Council acted on the complaints of organized violence against the German minority in the Polish elections of November 1930. On January 24, 1931, the Council adopted a report requiring Poland to submit before its next session a complete and detailed statement of the results of the inquiries ordered in all alleged cases of violence, of the penalties imposed and the measures taken for compensation. More-

71. *Ibid.*, p. 102-193, Council session of March 6, 1929.

72. C. G. Bruns, *Grundlagen und Entwicklung des internationalen Minderheitenrechts* (Berlin, Deutsche Gesellschaft für Nationalitätenrecht, 1929), p. 36-39; von Balogh, *Der internationale Schutz der Minderheiten*, cited, p. 290. One authority concludes that the petitioners in no case received complete justice at the hands of the Council, though in six cases compromises were reached and in three cases a direct settlement between the parties was attained. (Von Truhart, *Völkerbund und Minderheitenpetitionen*, cited, p. 16.)

73. Publications of the Permanent Court of International Justice, *Collection of Advisory Opinions, Series B*, Opinion No. 6 (Leyden, Sijthoff, 1923).

74. Bruns, *Grundlagen und Entwicklung des internationalen Minderheitenrechts*, cited, p. 36.

75. League of Nations, *Official Journal*, October 1925, p. 1348-1352.

76. Bruns, *Grundlagen und Entwicklung des internationalen Minderheitenrechts*, cited, p. 37. The compensation was 700,000 francs. Wintgens states that the real value of the expropriated property was 24,000,000 francs. (*Der völkerrechtliche Schutz der nationalen, sprachlichen und religiösen Minderheiten*, cited, p. 163.)

77. League of Nations, *Official Journal*, February 1926, p. 171.

78. *Ibid.*, March 1922, p. 255-6.

79. Von Truhart, *Völkerbund und Minderheitenpetitionen*, cited, p. 94-99. According to a press dispatch, a Committee of Three decided in May 1928 to express to the Czechoslovak government its disappointment at the progress made in carrying out the provisions for Ruthenian autonomy and to request it to proceed in the future more quickly than heretofore. (*Ibid.*, p. 97.) Since this warning there have been seven more Ruthenian petitions.

80. Cf. M. Yuhasz, *Wilson's Principles in Czechoslovak Practice—The Situation of the Carpatho-Russian People under the Czech yoke* (Homestead, Pa., 1929); also Sir Robert Donald, *The Tragedy of Trianon* (London, T. Butterworth, 1928), Chap. XIV. Czechoslovakia maintains that the Ruthenians are not yet fit for self-government.

over, Poland was also to report on the steps taken to remove any special connection that might exist between the authorities and such associations as the "Insurgents' Union" which were prompted by a spirit hostile to a *rapprochement* between the Polish and German peoples.<sup>81</sup> Germany also vigorously prosecuted the repeated petitions of the Diet of Memel alleging infractions of autonomy by Lithuania, and finally a method was de-

vised for settlement of the outstanding financial questions between Memel and Lithuania.<sup>82</sup> Nevertheless, Germany is handicapped somewhat in its espousal of the minorities. Not only is it disqualified from sitting on most of the minority committees,<sup>82a</sup> but also it exposes itself to the charge that it is seeking the intervention of the League in minority matters only to further its own political ambitions.

## CRITICISM OF EXISTING REGIME FOR PROTECTION OF MINORITIES

Those dissatisfied with the existing régime direct their criticism in general at (1) the material contents of international engagements on the protection of minorities, (2) the lack of universality in the international protection of minorities, and (3) the procedure followed by the Council in executing its obligations.

### INADEQUACY OF TREATY PROVISIONS

In general, the minorities allege that the failure to stipulate with greater precision and detail the rights laid down for them in international instruments enables the states on whom the obligations rest to interpret them narrowly and deprive minorities of the means to make their rights effective. Thus, the provision that all citizens are to enjoy equal political rights is of little avail to minorities so long as no provision grants them representation in the legislative and administrative bodies of the state proportionate to their numbers, and so long as the state is permitted to gerrymander electoral and administrative districts. Likewise, the minorities seek a more detailed regulation of the language question. They deplore above all the lack of provisions enabling them to use the minority language in communicating with the state administration and requiring the use of the minority language by the administration in districts where there is a compact minority settlement and the current language of intercourse is the minority language.<sup>83</sup>

### Complaints of Discrimination in Law Enforcement

Similarly, some would like to see in the treaties an unequivocal prohibition of all discrimination in the enforcement and application of the laws.<sup>84</sup> In many cases, minorities apparently are subjected to discrimination in the application of laws limiting the freedom of the press and the right of assembly, such as often exist in countries with more or less dictatorial governments.<sup>85</sup> One authority charges that minorities frequently have been subjected to economic discrimination.<sup>86</sup> This is said to have been particularly evident in the agrarian reforms carried through in most Eastern European countries. In Estonia the properties of the great landowners, almost exclusively in the hands of the German minority, were almost entirely expropriated with very little compensation. In Latvia similar expropriations were made, except that the barons were allowed to retain fifty hectares of land. Other farmers in both countries, practically all belonging to the majority people, were allowed to keep up to 300 hectares of land. In Estonia the expropriation left the Germans with only 1,500 out of 1,672,000 hectares previously owned; in Latvia, with only 60,000 hectares out of 2,700,000.<sup>87</sup> Similar discrimination was made against the property of German-speaking citizens of Poland. In the distribution of expropriated lands the majority nationality is said to have been favored generally; in Czechoslovakia the

81. League of Nations, *Official Journal*, February 1931, p. 237-238.

82. *Ibid.*, July 1931, p. 1131-1132. The *rapporteur* of the Council reported also that the principal Allied powers were negotiating with Lithuania with a view to the submission to the Permanent Court of International Justice of all outstanding legal questions regarding the autonomy of Memel.

82a. Cf. p. 350.

83. Cf. the resolutions on the language question adopted at the Nationalities Congress in 1926. (*Sitzungsbericht des Nationalitätenkongresses von 1926*, p. 126.)

84. Cf. particularly Kurt Trampler, *Staaten und nationale Gemeinschaften* (Munich, R. Oldenbourg, 1929), p. 61.

85. For instances of violation of the press rights of minorities, cf. Ammende, *Die Nationalitäten in den Staaten Europas*, cited.

86. Bruns, *Grundlagen und Entwicklung des internationalen Minderheitenrechts*, cited, p. 12-13.

87. Cf. Ammende, *Die Nationalitäten in den Staaten Europas*, cited; also Bruns, *Grundlagen und Entwicklung des internationalen Minderheitenrechts*, cited.



German minority, constituting 23 per cent of the population, received only 3 per cent of the land distributed. Unjust levying and collection of taxes, unfair distribution of state credits, and unjustified refusal and withdrawal of concessions and licenses to members of minorities are also alleged.<sup>88</sup>

#### Objections to Provisions Regarding Education

The treaty stipulations concerning the cultural and educational rights of minorities are also considered inadequate. The obligation to institute elementary schools using the minority language for instruction in towns and districts where a "considerable proportion" of minority nationals reside, and to provide such minorities with an equitable share of the public funds for educational, religious and charitable purposes lacks precision and is subject to arbitrary interpretation by the state. Regret is voiced also that all the minority treaties, with the exception of that with Czechoslovakia, limit the obligation to establish minority schools to those of elementary grades. The absence of any provision safeguarding the freedom of parents to send their children to minority schools is keenly felt also, since it permits school authorities to reject applications for entrance to the minority schools. The treaties, by omitting to define "minorities," provide practically no safeguards against the arbitrary denial of minority status to individuals. Much clearer in these respects is the German-Polish Convention on Upper Silesia, which definitely establishes the obligation to create a minority school on the application of persons legally responsible for the education of at least forty children of a linguistic minority living in the same school district,<sup>89</sup> and to create minority classes for eighteen pupils.<sup>90</sup> Provisions are also made for public secondary and higher education for the minorities.<sup>91</sup> Furthermore, the Ger-

man-Polish Convention not only stipulates the freedom of each individual to declare his own nationality, but also contains the following provision:<sup>92</sup>

"In order to determine the language of a pupil or child, account shall only be taken of the verbal or written statement of the person legally responsible for the education of the pupil or child. This statement may not be verified or disputed by the school authorities."

The minority treaties also lack provisions regarding teachers. Complaint is made that teachers in the minority schools are frequently not members of the minority and that there is a scarcity of competent teachers for these schools, as little or no provision is made for their training and since there is a natural reluctance to employ teachers who are not citizens of the minority state.<sup>92a</sup>

#### NON-UNIVERSALITY OF PROVISIONS STIPULATING MINORITY RIGHTS

It is a grievance of both the minorities and the minority states that the principle of international protection of minorities has been applied to certain states only. Despite the endorsement of the demand for the generalization of this régime by various international organizations such as the Union of League of Nations Societies and the Inter-parliamentary Union,<sup>93</sup> repeated proposals in the Assembly of the League (by Latvia in the third Assembly and Lithuania in the sixth Assembly) for a more universal application of minority principles have not received sympathetic consideration. The Assembly, in a resolution of September 21, 1922, merely expressed the hope that states which are not legally obligated toward the League in their relations with minorities would observe in their treatment of minorities the same degree of justice and toleration as is demanded by the treaties.<sup>94</sup>

The minority states insist that their obligations must be interpreted in the most restrictive way and must not be increased by the adoption of any reforms for the benefit of the minorities, however desirable, so long as

88. The 1926 Nationalities Congress, conscious of the danger of this form of discrimination, formulated a demand for economic equality in the enactment and administration of regulations with respect to the following: foreign trade and tariffs; banking and the extension of credit; the granting of state monopolies, state contracts, concessions, licenses, permits, and other governmental favors; taxation; agrarian reform; and membership in official or semi-official corporate economic bodies such as the Chambers of Commerce, of Trade and of Agriculture. (*Sitzungsbericht des Nationalitätenkongresses von 1926*, p. 160.)

89. Article 106.

90. Article 107.

91. Article 116, Section IV, and Article 130.

92. Article 131, paragraph 1.

92a. Cf. Ammende, *Die Nationalitäten in den Staaten Europas*, p. 64-65, 215, 217, 344, 347 and 389.

93. The first at its sessions in 1923 and 1924, the latter at its conference in Copenhagen in 1923. A. N. Mandelstam, *La Protection Internationale des Minorités*, Part I (Paris 1931), p. 57-58.

94. *Protection of Linguistic, Racial or Religious Minorities by the League of Nations, Resolutions and Extracts . . .*, cited, p. 240.

other states (at least all states members of the League) do not accept similar obligations. There appears to be no present possibility, however, that the other states can be prevailed upon to assume such obligations.<sup>95</sup>

#### PROPOSALS FOR REFORM IN THE TREATMENT OF PETITIONS

Dissatisfaction with the present method of the League Council in considering minority petitions has manifested itself in numerous proposals for reform.

Recognizing the advisability of encouraging direct settlement of controversies between a minority and a state, M. Dandurand proposed in the Council in March 1929 that petitions should be sent first to the government of the state concerned instead of to the League. Only when the government did not give satisfaction to the minority, should a petition, together with the correspondence exchanged between the petitioners and the government, be communicated for settlement to the League, which would then receive ample information on which the Council committee could base its decision.<sup>96</sup>

In the opinion of some observers, the Council committees would not find it so difficult to untangle the mass of conflicting evidence which confronts them in every case of complaint if some neutral investigation into the facts were undertaken on the spot. It is expected that such a practice would also discourage the sending of many frivolous petitions.<sup>97</sup> In the third Assembly, Professor Gilbert Murray, representing South Africa, declared that in certain localities of mixed population the protection of minorities could be realized in an efficacious manner only by the nomination of representatives of the League as permanent commissioners.<sup>98</sup>

95. Both France and Brazil have expressed keen opposition to a generalization of the present régime for the protection of minorities. Señor de Mello-Franco, the Brazilian member at the Council session on December 9, 1925, declared that the assumption of such obligations would be impossible for the American states, for any national minorities that they might harbor had migrated voluntarily under the tacit condition that they be assimilated. Moreover, he feared that a generalization of minority protection would cause artificial minorities to spring up where they were least expected. (*Ibid.*, p. 43-44.)

96. This suggestion was rejected by a Council Committee, however, on the ground that it would make the petitioner party to a kind of judicial proceeding and would therefore confer rights which the petitioner could not claim under existing international engagements. (*Ibid.*, p. 182.) A similar suggestion that a petition first be treated by mixed commissions, containing representatives of the minority and the government, was endorsed by the European Congress of Nationalities in 1926. (*Sitzungsbericht des Nationalitätenkongresses von 1926*, p. 163.)

97. Cf. L. P. Mair, *The Protection of Minorities* (London, Christophers, 1928), p. 73-74.

Another recommendation is that petitioners and minorities be given a greater share in the procedure. It is suggested that the minorities or their representatives be heard by the Council committees, and that petitioners be at least acquainted with the observations submitted by the government concerned and given an opportunity to reply.<sup>99</sup> Although it might appear desirable to hear both sides of a case, the League Council has always been unwilling to accept any procedure of this kind because of the fear that it would give the petitioner or minority a status similar to that of a party to judicial proceedings.

#### MINORITY CONTROVERSIES AND THE WORLD COURT

The League Council also has been criticised for its failure to make more use of the Permanent Court of International Justice. Only once has a member of the Council sought a judgment of the Court in a case of controversy as to questions of law or fact arising out of the articles of the treaties, and only three times has the Council had resort to the Court for advisory opinions.<sup>1</sup>

98. Assembly Session of September 21, 1922, *Protection of Linguistic, Racial or Religious Minorities by the League of Nations, Resolutions and Extracts* . . . , cited, p. 241. No doubt Professor Murray had in mind such danger zones in the Balkans as Transylvania and Macedonia where the presence of permanent commissioners would give the minorities assurance that they were being protected. It is interesting to note that in the minority protocols, signed in September 1924 by Greece, Bulgaria, the president of the League Council and the Secretary-General, two members of the existing Mixed Emigration Commission were designated as special League commissioners to assist Greece and Bulgaria in the execution of the minority treaties. They were to make inquiries on the spot, submit joint reports with their recommendations to the government concerned, receive petitions and make recommendations to the governments as to settlement. The protocols were rejected by the Greek National Assembly on February 3, 1925. (Cf. *League of Nations, Official Journal*, April 1925, p. 577.)

99. The latter proposal received the endorsement of the International Law Association at its Vienna session in 1926, and of the Union of League of Nations Societies. (Cf. *Bruno, Grundlagen und Entwicklung des internationalen Minderheitenrechts*, cited, p. 45 and 48 respectively.)

1. The judgment was delivered on April 26, 1928 in the case between Germany and Poland regarding the admission of children to German minority schools in Polish Upper Silesia. (Publications of the Court, cited, *Series A*, No. 12.) The Court decided in favor of the German contention that the freedom of parents to send their children to minority schools could not be restricted by Polish authorities. The first advisory opinion, i.e., in the German Settlers Case, was handed down in September 1923. (Publications of the Court, cited, *Series B*, No. 6.) The second advisory opinion, also of September 1923, was in the case concerning the acquisition of Polish nationality. (Publications of the Court, cited, *Series B*, No. 7.) After this decision Poland and Germany engaged in negotiations under the president of the Upper Silesian Arbitration Tribunal and on August 31, 1924 signed a convention settling the different questions in dispute. (*League of Nations, Official Journal*, July 25, p. 855. For text of the convention, cf. *ibid.*, p. 895-902.) The third advisory opinion, of May 15, 1931, regarded access to German minority schools in Upper Silesia. (Publications of the Court, cited, *Series A/B, Judgments, Orders and Advisory Opinions*, Fascicule No. 40.) The Court decided that the children who were excluded from German minority schools on the basis of language tests instituted as a temporary measure by the Council's resolution of March 12, 1927, could no longer be refused access to these schools by reason of this circumstance. In addition, there have been three advisory opinions on questions arising out of exchange of populations.

The decisions of the Court in these cases seem to demonstrate its efficacy in the settlement of minority questions and to suggest that a more frequent resort to the Court would redound to the benefit of the minorities. The determination of whether minority rights have been violated in such cases, it is reasoned, is a judicial one. Moreover, with an advisory opinion from such a universally respected body as the Permanent Court to support them, members of the Council could insist, without incurring the risk of having their motives misinterpreted, that the minority state concerned discharge its obligations.<sup>2</sup>

It is recognized that states dislike to endanger their relations with minority states by appearing as their accusers before the Council, particularly when urgent political considerations demand that relations be cordial. Suggestions to remove this difficulty have been made. Thus Count Apponyi, the veteran Hungarian statesman, proposed on September 14, 1925 in the sixth Assembly that the Council make a general declaration that it would automatically consider petitions emanating from certain sources, such as supreme ecclesiastical organs or cultural and economic institutions, but his proposal did not receive favorable consideration.<sup>3</sup> Another suggestion with the same object was that of M. Dandurand at the March 1929 session of the Council. He proposed that all petitions be considered by a Committee of the Whole of Council. Such a committee, by substituting a collective responsibility for the individual responsibility of the members of the Council, would make it easier to bring violations to the attention of the Council. This proposal was rejected, however, because it was felt that it was tantamount to automatic examination of all petitions by the Council, which would be contrary to the terms of existing international instruments.<sup>4</sup>

2. Bruns, *Grundlagen und Entwicklung des internationalen Minderheitenrechts*, cited, p. 45-48. The more extensive employment of the Court has been recommended by the Union of League of Nations Societies, the Interparliamentary Union and the International Law Association.

3. *Protection of Linguistic, Racial or Religious Minorities by the League of Nations, Resolutions and Extracts . . .*, cited, p. 52, 60, 62.

4. *Ibid.*, p. 183.

## CREATION OF A PERMANENT MINORITY COMMISSION

The creation of a Permanent Minority Commission consisting of neutral experts, to replace the minority committees of the Council, has been urged repeatedly.<sup>5</sup> Its proponents believe that, for the following reasons, it would be superior to the present procedure of appointing a Minority Committee for the consideration of each petition:

1. It would exercise a permanent supervision over the execution of obligations of minority states.
2. It would be able to devote sufficient time to the consideration of petitions, whereas members of the present minority committees, who either are Ministers of Foreign Affairs or hold important positions in the foreign service of their countries, are too much burdened with other tasks to give the amount of time necessary to a thorough examination of minority complaints.
3. It would be able to divorce its work from the political considerations which hamper members of the council.
4. It would accumulate the experience necessary to an efficient discharge of its duties.

In the second and ninth Assemblies recommendations for the creation of a Permanent Commission were made respectively by Professor Gilbert Murray and Jonkheer Beelaerts van Blokland of Holland, but did not receive favorable consideration.<sup>6</sup> A suggestion by Herr Stresemann at the Council session of March 1929 that the creation of such a commission be seriously considered was met by the observation of the Committee of Council considering a reform of Council procedure in minority matters to the effect that a permanent continuous control over the execution of the obligations of minority states was inconsistent with the terms of the instruments containing these obligations. The report of the committee was not adopted, however.<sup>7</sup>

5. The institution of such a commission has been advocated by the Union of League of Nations Societies in 1921, 1923 and 1928, and by the Interparliamentary Union in 1922 and 1923. (Bruns, *Grundlagen und Entwicklung des internationalen Minderheitenrechts*, cited, p. 45-46.) The Nationalities Congress at its 1929 session proposed to create such a body on the analogy of the International Labor Office. The acceptance of such a proposal, however, would involve the assumption of new obligations by minority states and therefore would require their consent.

6. League of Nations, *Records of the Second Assembly, Plenary Meetings*, p. 835-836, *ibid.*, *Records of the Ninth Assembly, Plenary Meetings*, p. 37-38, 69, 92.

7. *Protection of Linguistic, Racial, or Religious Minorities by the League of Nations, Resolution and Extracts . . .*, cited, p. 181. The Titttoni Report, adopted by the Council on October 22, 1920, specified that the "League must ascertain that the provisions for the protection of minorities are always observed."



## CONCLUSION

There can be no doubt that minorities today enjoy an international protection much greater than they did before the World War. In the nineteenth century there were only a few isolated treaties containing vaguely phrased obligations with respect to minorities. Moreover, their enforcement was entrusted to the great powers, which proved not only to be ineffective but also to offer these powers an occasional opportunity to intervene in the internal affairs of minority states for the advancement of their own political ambitions. After the war the protection of minorities was made more general and minority rights were for the first time stipulated with considerable detail and definiteness. The League of Nations has been a more effective and disinterested guarantor than the great powers. The minorities freely exercise their right of petition to the League, and their petitions, when correct in form, are always assured of consideration. Moreover, Germany's presence on the Council is assurance that the cause of minorities will not be totally neglected.

Nevertheless, it cannot be denied that keen dissatisfaction is voiced by both the minorities and the states which lost many of their nationals by the Peace Treaties. The criticism of the extent of the rights of minorities and of the manner in which both the minority states and the League have executed their obligations is evidence that the minority problem has not yet been solved. There are indications that a satisfactory solution of the problem would stimulate the development of international political co-operation and promote the stabilization of peace in Europe.

Numerous proposals for a solution of the problem have been advanced. Some would extend and supplement the rights of minorities and strengthen the guarantees for their enforcement. Others point out that the effi-

cacy of any solution depends largely on such other factors as the attitude of the minority toward the state and the cordiality of interstate relations. It is declared that the minorities cannot expect fair treatment unless they maintain an attitude of loyalty toward their sovereigns and abstain from irredentism. Relations between the minority state and the mother state of the minority also exercise an important influence on the position of a minority. For example, it is believed that an improvement in the relations between Germany and Poland would have a beneficial effect on the treatment of the German minority in Poland. On the other hand, the growth of chauvinism in Germany and the increasing agitation for a revision of its Eastern boundaries has a tendency to increase restlessness on the Polish side of the border and to encourage the Polish population and government to take oppressive measures against the German minority whose presence offers one justification of the revisionist movement. A *rapprochement* between France and Germany might also conceivably contribute to a solution of the minority problem. In such a case France might exercise its influence through the League of Nations to obtain from minority states, several of whom are its allies, the full discharge of their obligations toward their minorities. Typical of the differences of opinion on methods of solving the minority problem was the divergence of viewpoint evident on the opening of the Second Balkan Conference at Istanbul. While Albania and Bulgaria insisted that the minorities question be threshed out immediately, the other Balkan states declared that it was necessary first to sign a general treaty of arbitration and non-aggression, thereby creating a spirit of interstate friendliness which would automatically improve relations between the minorities and the states in which their lot is cast.<sup>8</sup>

8. Cf. *New York Times*, October 18, 1931; also "Growing Cooperation in the Balkans," *Foreign Policy Bulletin*, Vol. XI, No. 3, November 20, 1931.